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BY ECF

Honorable Arthur D. Spatt
United States District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: American Bird Conservancy, D. Krauss and S. Scioli v. Rose Harney, Case No. 2:16-cv-01582

Dear Judge Spatt:

Plaintiffs American Bird Conservancy, David A. Krauss, and Susan Scioli (collectively, “ABC”) and defendant Rose Harvey, as Commissioner, New York Office of Parks, Recreation and Historic Preservation (“State Parks”), write jointly to inform the Court that the parties have reached an agreement to resolve this matter without the need for further litigation.

As the Court is aware, this matter was brought in spring 2016 under the Endangered Species Act, 16 U.S.C. 1531, *et seq.*, in connection with the protection of the Piping Plover at Jones Beach State Park in Wantagh, New York. In its Decision & Order of February 2017, the Court denied State Parks’ motion to dismiss ABC’s amended complaint. Since that time, the parties have proceeded with discovery while concurrently engaging in settlement discussions.

We attach for the Court’s consideration a Stipulation of Settlement and Order of Dismissal. The parties believe that the settlement and order is an equitable means for resolving this dispute and furthers the parties’ mutual interest to protect the Piping Plover at Jones Beach State Park. We respectfully request that the attached be entered as an order of the Court.

Sincerely,

/s/ Jordan D. Weiss
Jordan D. Weiss